

House File 206 - Introduced

HOUSE FILE 206

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A BILL FOR

1 An Act relating to the establishment of one or more facilities
2 for the housing of certain sex offenders in need of medical
3 and personal care.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 218.101 **Medical and personal care**
2 **facility for sex offenders.**

3 1. *a.* By July 1, 2014, the department of human services,
4 subject to funding, shall establish one or more facilities for
5 the treatment of sex offenders classified as a tier II or tier
6 III offender who require the type of medical and personal care
7 provided by a nursing facility, residential care facility, or
8 assisted living program, and are unable to obtain admission
9 to a private facility due to the persons' status as a sex
10 offender.

11 *b.* The department may use or establish a state facility
12 or facilities for the purpose described in this section, or
13 may conduct a request for proposals process to contract with
14 private facilities or programs to provide some or all of the
15 necessary services described in subsection 2 for eligible
16 persons identified in subsection 3. A request for proposals
17 shall identify the reimbursement rates and the necessary
18 training for the staff and the staffing requirements for the
19 facility or program.

20 2. The purpose of a medical and personal care facility for
21 sex offenders is to provide one or more of the following:

22 *a.* To provide the type of care provided in a nursing
23 facility as described in section 135C.1, subsection 13.

24 *b.* To provide the type of care provided in a residential
25 care facility as described in section 135C.1, subsection 17.

26 *c.* To provide the type of care provided in assisted living
27 programs as described in section 231C.2, subsection 2.

28 3. A person is eligible for admission to a medical and
29 personal care facility for sex offenders if the person meets
30 all of the following requirements:

31 *a.* The person is classified as a tier II or tier III sex
32 offender pursuant to section 692A.102.

33 *b.* The person requires the type of medical and personal care
34 provided by a nursing facility, residential care facility, or
35 assisted living program.

1 *c.* The person is unable to obtain admission to a private
2 nursing facility, residential care facility, or assisted living
3 program due to the person's status as a sex offender.

4 4. *a.* A person requesting admission to a facility shall
5 submit an application for admission to the department.

6 *b.* A representative of the department of inspections and
7 appeals, the department of corrections, or the department
8 of public safety, an administrator of a residential care
9 facility or nursing facility or the administrator's designee,
10 or a manager of an assisted living program or the manager's
11 designee, may also submit an application requesting admission
12 to a facility on behalf of a person with the permission of the
13 person or the person's guardian.

14 *c.* The application shall include a statement concerning
15 the actions the person requesting admission to a facility has
16 taken, or the steps taken on the person's behalf, to obtain
17 admission to a private nursing facility, residential care
18 facility, or assisted living program.

19 5. Upon application by or on behalf of a person meeting
20 the eligibility requirements, the department shall admit the
21 resident or tenant to a medical and personal care facility for
22 sex offenders unless an alternative, adequate placement for the
23 person is arranged.

24 6. Upon admission to a state-operated medical and personal
25 care facility, the department shall assess a resident or tenant
26 to identify payment options. The payor of last resort for the
27 facility is the medical assistance program established pursuant
28 to chapter 249A.

29 7. A resident or tenant may be discharged from a
30 state-operated facility if the person is no longer required
31 to register as a tier II or tier III sex offender, if the
32 department determines the person no longer requires the type
33 of medical and personal care provided by a nursing facility,
34 residential care facility, or assisted living program, or if an
35 alternative, adequate placement is arranged.

1 8. For purposes of this section, "*adequate placement*" means
2 a placement that will provide the level of care necessary for
3 an eligible person including the level of care provided by a
4 nursing facility, residential care facility, or assisted living
5 program.

6 9. A state-operated facility offering the type of medical
7 and personal care provided by a nursing facility shall meet the
8 requirements for Medicare certification. A facility operated
9 by the state shall not be required to be licensed or certified
10 under chapter 135C or 231C.

11 10. The department shall establish by rule all of the
12 following requirements for a medical and personal care facility
13 for sex offenders:

14 a. The training requirements for staff at a facility.

15 b. The staffing plans for a facility.

16 c. The requirements of a safety plan for residents or
17 tenants of a facility. The rules shall include but are not
18 limited to all of the following:

19 (1) A plan for the safety of residents, tenants, and staff
20 of a facility.

21 (2) A plan for the safety of visitors to a facility.

22 (3) The responsibilities of employees of a facility in
23 implementing a safety plan.

24 d. The discharge policy and requirements of a state-operated
25 facility.

26 e. The security policy and the level of security that is
27 adequate for a facility.

28 11. The department shall adopt rules to administer this
29 section.

30 EXPLANATION

31 This bill relates to the establishment of a facility to
32 provide for the housing and care of certain sex offenders in
33 need of medical and personal care. The bill requires the
34 department of human services (DHS) to establish one or more
35 facilities, by July 1, 2014, to house and care for tier II or

1 tier III sex offenders that need personal and medical care and
2 are unable to obtain admission to a private facility because
3 of the person's status as a sex offender. The bill states that
4 DHS may use or establish a state facility to provide care for
5 these persons or may conduct a request for proposals process to
6 contract with a private provider to provide services for these
7 persons.

8 The purpose of the establishment of the medical and personal
9 care facility for sex offenders is to provide the type of care
10 provided by a residential care facility, nursing facility, or
11 assisted living program.

12 The bill provides that a person is eligible for admission to
13 a medical and personal care facility for sex offenders if the
14 person is classified as a tier II or tier III sex offender, the
15 person requires the type of medical and personal care provided
16 by a nursing facility, residential care facility, or assisted
17 living program, and the person is unable to obtain admission
18 to a private nursing facility, residential care facility, or
19 assisted living program due to the person's status as a sex
20 offender. If a person admitted to a state-operated medical and
21 personal care facility for sex offenders no longer meets one of
22 these eligibility requirements, the patient may be discharged.
23 A person may also be discharged from a state-operated facility
24 if an alternative, adequate placement is arranged.

25 A person must submit an application for admission to a
26 medical and personal care facility for sex offenders to DHS.
27 An application may also be submitted on the person's behalf
28 with the person's permission. Upon the application of an
29 eligible person, the medical and personal care facility must
30 admit that resident or tenant unless an alternative, adequate
31 placement for the person is arranged.

32 The bill requires DHS to assess a resident or tenant's
33 payment options if accepted into a state-operated facility.
34 Medicaid is declared to be the payor of last resort.

35 The bill also mandates that a state-operated medical

1 and personal care facility for sex offenders providing
2 nursing facility care must meet requirements for Medicare
3 certification, but a state-operated medical and personal care
4 facility is not required to be licensed or certified under Code
5 chapter 135C or 231C.

6 The bill provides certain requirements that DHS must
7 establish by rule concerning the operations of a medical and
8 personal care facility for sex offenders. These requirements
9 include staff training requirements, staffing plans, safety
10 plan requirements, the discharge policy and requirements of a
11 state-operated facility, and the security policy of a facility.